

JAMES P.C. SILVESTRI, ESQ.

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[jcarmona@pyattsilvestri.com](mailto:jcarmona@pyattsilvestri.com)

Attorneys for Plaintiff,

*ALLSTATE FIRE AND CASUALTY*

*INSURANCE COMPANY*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ALLSTATE FIRE AND CASUALTY )

INSURANCE COMPANY )

Plaintiff, )

vs. )

PEDRO LOPEZ-VILLASENOR; )

RICHARD A. HARVEY; TREITON )

MAYBEE; DOES I through X; ROES I )

through X; )

Defendants. )

CASE NO.: 2:23-CV-01192-JCM-DJA

**STIPULATION AND ORDER TO WITHDRAW ECF FILING NO. 13**

COME NOW, Plaintiff ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY (“Plaintiff”), by and through its attorneys, JAMES P. C. SILVESTRI, ESQ. and JOSE E. CARMONA, ESQ., of the law firm PYATT SILVESTRI, Defendant TREITON MAYBEE (“Defendant Maybee”), by and through his attorney, KIMBALL JONES, ESQ., of the law firm BIGHORN LAW, and Defendant RICHARD A. HARVEY (“Defendant Harvey”), by and through his attorneys JOSEPH F. SCHMITT, ESQ. and RANDOLPH L. WESTBROOK, III, ESQ. of the law firm LERNER & ROWE INJURY ATTORNEYS, and hereby STIPUALTES and AGREE as follows:

WHEREAS, the Parties AGREE that Plaintiff moved this Honorable Court to default Richard Harvey on October 30, 2023.

WHEREAS, the Parties AGREE that Richard Harvey appeared in the case on November 2, 2023.

The Parties STIPULATE AND AGREE that Plaintiff's Request for Entry of Default [ECF Filing No. 13] of Defendant Harvey is hereby WITHDRAWN.

DATED this \_\_\_\_ day of January, 2024.

DATED this \_\_\_\_ day of January, 2024.

PYATT SILVESTRI

BIGHORN LAW

/s/ Jose E. Carmona

/s/ Kimball Jones

JOSE E. CARMONA, ESQ.

KIMBALL JONES, ESQ.

Nevada Bar No. 14494

Nevada Bar No.: 12982

701 Bridger Ave., Suite 600

3675 W. Cheyenne Ave., Suite 100

Las Vegas, NV 89101

North Las Vegas, Nevada 89032

Attorneys for Plaintiff

Attorneys for Defendant Maybee

DATED this \_\_\_\_ day of January, 2024

LERNER & ROWE INJURY ATTORNEYS

/s/ Joseph Schmitt

JOSEPH F. SCHMITT, ESQ.,

Nevada Bar No. 9681

4795 South Durango Drive

Las Vegas, Nevada 89147

Attorneys for Defendant Harvey

**ORDER**

**IT IS SO ORDERED.**

  
U.S. DISTRICT JUDGE

DATED: January 12, 2024

## Jose Carmona

---

**From:** Joseph F. Schmitt <jschmitt@lernerandrowe.com>  
**Sent:** Tuesday, January 9, 2024 10:06 AM  
**To:** Jose Carmona; Amy Cvetovich; Kimball Jones, Esq.  
**Cc:** Alejandra Ojeda; Randolph L. Westbrook  
**Subject:** RE: [External] RE: Allstate v. Lopez, et al. - Depo of Maria Lopez

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We approve, and you may affix my electronic signature on both documents.

Regards,

Joe

Joseph F. Schmitt | Attorney at Law  
[LERNER & ROWE INJURY ATTORNEYS](#)  
4795 S. Durango Dr. Las Vegas, NV 89147 | Main: 702-877-1500 | Fax: 702-941-5138  
[jschmitt@lernerandrowe.com](mailto:jschmitt@lernerandrowe.com)



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**From:** Jose Carmona <jcarmona@pyattsilvestri.com>  
**Sent:** Tuesday, January 9, 2024 9:36 AM  
**To:** Amy Cvetovich <amy@bighornlaw.com>; Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Cc:** Alejandra Ojeda <aojeda@lernerandrowe.com>; Joseph F. Schmitt <jschmitt@lernerandrowe.com>; Randolph L. Westbrook <rwestbrook@lernerandrowe.com>  
**Subject:** RE: [External] RE: Allstate v. Lopez, et al. - Depo of Maria Lopez

Good morning!

It has not. I am still waiting for confirmation from Joe's office that we may affix their electronic signature.

Thanks,

Jose E. Carmona, Esq.



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**From:** Amy Cvetovich <[amy@bighornlaw.com](mailto:amy@bighornlaw.com)>

**Sent:** Tuesday, January 9, 2024 9:34 AM

**To:** Kimball Jones, Esq. <[kimball@bighornlaw.com](mailto:kimball@bighornlaw.com)>

**Cc:** Jose Carmona <[jcarmona@pyattsilvestri.com](mailto:jcarmona@pyattsilvestri.com)>; Alejandra Ojeda <[aojeda@lernerandrowe.com](mailto:aojeda@lernerandrowe.com)>; Joseph F. Schmitt <[jschmitt@lernerandrowe.com](mailto:jschmitt@lernerandrowe.com)>; Randolph L. Westbrook <[rwestbrook@lernerandrowe.com](mailto:rwestbrook@lernerandrowe.com)>

**Subject:** Re: [External] RE: Allstate v. Lopez, et al. - Depo of Maria Lopez

Good Morning,

Just checking in to make sure this has been submitted. I don't think I have seen a notice of filing on this. Please advise.



**Amy Cvetovich**  
Litigation Manager

Tel: 702-333-1111 Ext. 161

Email: [amy@bighornlaw.com](mailto:amy@bighornlaw.com)

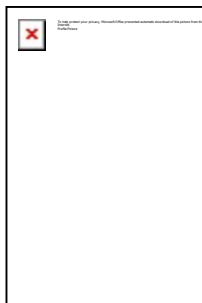
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On Fri, Jan 5, 2024 at 1:11 PM Kimball Jones, Esq. <[kimball@bighornlaw.com](mailto:kimball@bighornlaw.com)> wrote:

Approved. You may you e-sign for me on both.



**Kimball Jones, Esq.**  
Partner | Attorney

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Fax: (702) 507-0092

Email: [kimball@bighornlaw.com](mailto:kimball@bighornlaw.com)

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## Jose Carmona

**From:** Kimball Jones, Esq. <kimball@bighornlaw.com>  
**Sent:** Friday, January 5, 2024 1:11 PM  
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On Fri, Jan 5, 2024 at 2:39 PM Jose Carmona <[jcarmona@pyattsilvestri.com](mailto:jcarmona@pyattsilvestri.com)> wrote:

All,

Please see attached for the proposed SAOs in this matter. In order to make sure that they are accepted, I separated them. Further, as for the SAO to extend discovery, I had to concede that the deadline to amend the pleadings has passed. Otherwise, it would have changed the standard of review of the stipulation and order. Because we made our original request on December 5, 2023, this should be able to relate back for all other deadlines.

Thanks,